

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVIN PACK,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:24-cv-2998 SCR P

ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Petitioner has also requested an extension of time to file an opposition to respondent’s motion to dismiss. ECF No. 11. For good cause shown, petitioner’s request is granted.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's request for the appointment of counsel (ECF No. 10) is denied without
3 prejudice to a renewal at a later stage of the proceedings.

4 2. Petitioner's motion for an extension of time (ECF No. 11) is granted.

5 3. Petitioner shall file an opposition to respondent's motion to dismiss no later than May
6 16, 2025.

7 4. The failure to file an opposition within the time provided may be deemed a waiver of
8 any opposition to the granting of the motion. See Local Rule 230(l).

9 DATED: April 16, 2025

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12 SEAN C. RIORDAN
13 UNITED STATES MAGISTRATE JUDGE
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